

Historic Interests Meet At Memphis Crossroad

Quest for James Earl Ray Trial Could Bring Closure in King Case

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MEMPHIS—In 1968, Joe Brown was a law student in California. Like many young black men of the time, he respected the work of Martin Luther King Jr. but believed the civil rights leader was sometimes "too passive."

Then King began to speak out harshly against the Vietnam War, and Brown felt a terrible chill. "I knew something was going to happen to him," he said.

Now, nearly 30 years later, Brown finds himself "at the nexus of history" as the Shelby County Circuit Court judge who opened the door last week to a possible trial for James Earl Ray, the man who pleaded guilty to the assassination of King and now lies dying in a Tennessee prison hospital.

Seven previous times over the past 28 years—beginning three days after he entered his guilty plea in March of 1969—Ray or his lawyers have petitioned the courts for a trial. Seven times he has been flatly refused. But two factors have brought a new urgency to the case: Ray's rapidly declining health from a liver ailment and the participation, for the first time, of the King family.

In an aching emotional scene in Brown's court last Thursday, King's widow, Coretta Scott King, appealed to the judge to "bring some sense of closure to

See RAY, A13, Col. 1



BY JOHN L. FOOTE—ASSOCIATED PRESS

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Coretta Scott King and Dexter King attend court hearing last Thursday on whether gun used to kill the Rev. Martin Luther King Jr. should be retested. James Earl Ray, shown in 1994, is now dying in a Tennessee prison hospital.

the pain we have endured. . . . Even if no new light is shed on the facts . . . at least we and the nation can have the satisfaction of knowing that justice has run its course in this tragedy."

"This time, the focus was the rifle thought to have killed King on April 4, 1968—a 30.06 Remington found in an incriminating bundle outside the Lorraine Motel where King was shot as he tried to negotiate the city's garbage-workers strike, a bundle that also included Ray's transistor radio etched with his prison identification number. Ray's chief lawyer, William F. Pepper, argued that new microscope technology has made it possible to determine if the rifle actually fired the bullet, and Brown agreed. A state appeals court must now review Brown's decision before the tests can be allowed.

The House Select Committee on Assassinations had the rifle tested in the 1970s, but because the bullet that killed King was so mangled, the panel could not establish beyond a scientific doubt that it was the murder weapon. But tests showed that King was killed by the same kind of gun and that the fatal slug matched unspent bullets found in the rifle.

In the meantime, the court hearing has revived memories of that disturbing period in American history and bound the key court players—Brown, the London-based Pepper, the Memphis lawyers assisting him and prosecutor John Campbell—in a historical drama that may yet yield a few answers.

Pepper's theories about the case involve shadowy operatives who manipulated Ray, a petty criminal who was a fugitive from justice at the time, and reach to the highest levels of the U.S. government. The defense team believes it is imperative that the case be thoroughly aired. Too many troubling questions remain, too many obvious inconsistencies, they said.

"I grew up on a farm and I learned that if there are rabbit tracks around the haystack, if you look hard enough, there'll be a little rabbit sitting around there somewhere on his cottontail," said

Jack McNeil, 64, a Memphis lawyer working with Pepper. "There are far too many rabbit tracks here."

King's son, Dexter, could not be reached, but Ray's illness seems to have galvanized the family behind the latest effort. Dexter King has spoken of the need to confront the past, saying: "This country is, in many ways, so far behind in dealing with its ugly, dark side."

But Campbell has serious doubts about the value of further court proceedings. "His is the same old song and dance [from Ray], nothing really new," he said in an interview this week. "Americans are bad historians. Nobody has any idea what's been happening in this case, and very few know what was going on in 1968. . . .

"If we were ordered to try him," he said, "it would be pretty much the same as releasing him. Too much time has passed, and too many people have died."

William Pepper knew King only in the final year of his life, but it would prove to be an enduring connection. After returning from Vietnam, he said he persuaded King to actively oppose the war, and even served as leader of a political coalition that hoped to promote King and Benjamin Spock, the renowned baby doctor and antiwar activ-

ist, as a third-party presidential ticket in 1968.

For the past 20 years, Pepper has conducted an investigation of the King assassination, and laid out his theories in a 1995 book, "Orders to Kill," that he complains was not reviewed by a single American newspaper.

Pepper makes no bones about who he thinks was responsible for King's death: "I know the U.S. government had a hand in it, because people involved in the government came forward [to him] and spelled it out," he said vaguely. ". . . James Earl Ray was a pat-sy. He was moved around, told to do things, rent a room, be here, be there, buy some binoculars, buy a rifle. He was a fugitive, trying to get out of the country. There is a whole range of cumulative evidence I was able to look at."

As Pepper was conducting his long investigation, Memphis attorney Wayne Chastain was launching his own. A reporter in 1963 with the now-defunct Press-Scimitar, Chastain was immediately disturbed by certain inconsistencies in the case, he said. For one thing, he did not think Ray could have fired the fatal shot from the bushes outside King's motel-room balcony, as authorities said he did. For another, he said he confirmed that Charles Q. Stephens, the

volved with the case after years of virtual silence. The interview is to air Friday.

"He is wasting away, fading by the day," the talk show host said. "I said to him, 'A lot of people say this is like your deathbed confession, time to tell the truth—did you fire the bullet?' He looked me directly in the eye and said, 'I did not do this.' He said he wants to get on the witness stand."

John Campbell, a Memphis native, was 9 years old when King was killed, and he remembers most of all how afraid he was. "I was at band practice, and I remember our parents coming to get us because it was like the world was coming to an end—the riots starting, everybody trying to get home," the prosecutor said. "... It starts dredging up a lot of old feelings when you start seeing this case come back, a lot of bad feelings from that time."

But Campbell, 38, has serious problems with Pepper's theories. "What Pepper's talking about is an enormous conspiracy involving several government agencies, local police. To say that they've been able to keep it quiet this long is mind-boggling."

At last week's hearing, Campbell argued that a trial is not a historical inquiry and should not be used to seek answers to who else might have been involved in King's assassination. He also questioned what the testing of the rifle would prove.

"If the gun comes back as being the gun that fired the bullet, Ray's still going to claim he didn't pull the trigger," Campbell said. "That's not going to accomplish anything. If it comes back as not the rifle, there's still evidence that links Ray to the scene. ... To say that that is the only reason Ray was convicted is just plain wrong."

More compelling, he said, was Stephens's eyewitness testimony, and he scoffed at defense claims that Stephens was hopelessly drunk. "Of course, they will say that. He can't defend himself."

But what if Ray dies before the court rules? Campbell said a grand jury could be impaneled to investigate others. But without Ray, the case obviously loses much of its momentum.

"I guess the problem I have with what Pepper is trying to do is—you go behind him and try to verify his versions, you can't do it. ... Other people who are just as good as Pepper have looked at this stuff and come up with totally different versions. Pepper's reaction is, if you contradict him you're part of the conspiracy, and I have a hard time with that."

Since his ruling last week, Brown said, many people have come to him to shake his hand, thanking him for taking a heroic stand. Others, he said, have "told me to watch my back." "Somebody may try to take you out."

Brown, 50, doesn't shy away from the spotlight. A colorful figure who wears a black cowboy hat when he isn't wearing his judicial robes and a long-time avid hunter, Brown considers himself something of an expert on firearms.

Although there is "no guarantee" that new tests would produce anything of value, he said the technology has been refined in recent years.

"Why would anyone resist having these tests done if they can achieve some results, some closure?" Brown said. "The test expense is \$120 an hour. ... You spend twice that for a counselor in a divorce case. Plus, you have victims' rights which have developed since 1968—you have an upstanding family that's never been heard before relative to their wishes. ..."

"And see, we have a situation, too, where the victim himself is not your ordinary victim. This is one of three people in the entire history of this country who has been honored by a national holiday—Washington, Lincoln, and King—and as we still debate the storyline of who killed President Lincoln, we are within the lifetimes of people who were actors in this drama which may have a historical resolution.

"As long as this man is honored with this national holiday, as long as the principles that he stands for are still honored by this country, there is going to be a question that is in everybody's mind. You look at the overall perspective, and your obligation as a judge is to see that justice is done as truth dictates."

government's now-deceased chief witness against Ray, was "dead-drunk, with his head down on the table" when Stephens says he saw Ray come out of the bathroom hearing the rifle in a bar across the street from King's hotel.

"They thought I was crazy, fixated for years," said Chastain, 66, who is seriously ill. "I credit William Pepper's persistence and tenacity in this case. I often wanted to put it behind me and forget about it."

The defendant contributed to his own difficulties, Chastain said. "Ray never told the whole story. He has been his own worst enemy. He has told so many different stories, he made it very difficult for his lawyers."

Indeed, Ray, who is serving a 99-year sentence, has serious credibility problems. His position a few years ago was that someone in King's inner circle killed him. Ray has also talked about an elusive figure named Raul who supposedly dispatched him to Memphis in a gun-running and money-laundering scheme.

From his hospital room, Ray, who was too ill to attend the hearing, taped an interview with the "Montel Williams Show," making an indirect plea for a liver transplant and expressing his gratitude to the King family for getting in-